

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

THE WORLD WIDE STREET
PREACHERS' FELLOWSHIP, et al.,
Plaintiffs

vs.

CIVIL NO. 1:CV-04-1127

STEPHEN R. REED, et al.,
Defendants

FILED
HARRISBURG, PA

NOV 17 2006

M E M O R A N D U M

MARY E. D'ANDREA, CLERK
Per km
Deputy Clerk

We are considering Plaintiffs' motion for attorney's fees and costs pursuant to 42 U.S.C. § 1988. Plaintiffs are the World Wide Street Preachers' Fellowship, a ministerial fellowship of Christian street preachers, and James Grove, a street preacher and member of the fellowship. Plaintiffs filed this civil-rights action alleging various First Amendment rights were violated in July 2003 during PrideFest, an annual event held in Riverfront Park, a public park in Harrisburg, Pennsylvania.

They named as defendants Stephen R. Reed, the Mayor of Harrisburg, in his official capacity; Tina Manoogian-King, Harrisburg's Director of Parks and Recreation, in her official and individual capacities; Thomas Carter, a corporal with the Harrisburg Police Department, in his official and individual capacities; and Stephanie Barrelet, an officer with the police department, in her official and individual capacities.

The case was litigated in the following way. Grove tried a damages claim to a jury on the theory that defendants Manoogian-King, Carter and Barrelet had arrested him for defiant trespass and disorderly conduct, to punish him for his First Amendment activities or to deter him from engaging in them. The jury found Carter and Barrelet had violated Grove's First Amendment rights but imposed no liability on Manoogian-King. They also awarded Grove only \$1.00 in nominal damages, declining to impose either compensatory or punitive damages on Carter or Barrelet.

Plaintiffs' claims for permanent injunctive relief were tried to the court. Plaintiffs sought an injunction that would bar the city from enforcing: (1) a fifty-foot buffer zone around the area for the festival; and (2) any decision by the PrideFest organizers to exclude street preachers from an area that, while it was within the area permitted for the festival, was not being used by the festival.

We declined to grant injunctive relief but did issue the following declaratory relief:

(a) the actions of the city's agents in preventing plaintiff James Grove and Michael Marcavage from street-preaching in the areas of Riverfront Park that had been permitted for an event under the city's permit ordinance but which were not being used for the event violated their First Amendment right to free speech.

(b) the enforcement of a fifty-foot buffer zone by a city police officer [defendant Carter] at the south end of the permitted

area for PrideFest violated the plaintiffs' First Amendment right to free speech.

World Wide Street Preachers' Fellowship v. Reed, 430 F. Supp. 2d 411, 416 (M.D. Pa. 2006).

By memorandum and order of August 25, 2006, we decided that Plaintiffs were entitled to no fees for Grove's claim because he had recovered only nominal damages. Recognizing that some of the time spent on Grove's claim could nonetheless have also properly been spent on the injunctive-relief claims, we directed Plaintiffs to submit an itemized fee and cost statement for the fees and costs properly associated with the injunctive-relief claims only.

In response, Plaintiffs assert that all of the time spent on Grove's claim was related to the injunctive-relief claims. They nonetheless eliminate some hours, using the following approach. They divide the time spent on the case into six areas: (1) initial pleadings (including their motion for a preliminary injunction), (2) discovery, (3) dispositive motions (motions for summary judgment filed by both sides), (4) trial preparation, (5) trial, and (6) post-trial motions (relating to briefing on the injunctive-relief claims). They concede that 7.4 hours of trial-preparation time can be excluded as relating directly to the jury verdict for Grove alone, (doc. 123, Pls.' Br. at p. 8), and eleven hours of trial time "to account for any possible situation where a witness' testimony was 'distinct in all respects' from plaintiffs' claim for declaratory relief."

(*Id.*, p. 9) (footnote omitted). Otherwise, they contend that none of the time spent on the following stages should be excluded: (1) the initial pleadings, because Defendants did not concede that they had acted unconstitutionally in any way, thereby requiring Plaintiffs "to aggressively litigate [the] matter," (*id.*, at p. 5); (2) discovery, because all of the witnesses who were deposed "provided testimony relevant to the events occurring at the PrideFest," (*id.*, at p. 7); (3) dispositive motions, because both sides' motions "dealt directly with the relief sought by plaintiffs," (*id.*); and (4) post-trial motions, because these motions dealt with the injunctive-relief claims. (*Id.*, p. 9.) Additionally, Plaintiffs believe their requests for court costs and expenses for preparing their fee motion should remain the same.

Originally, Plaintiffs sought fees for attorney and paralegal time in the amount of \$132,420, costs in the amount of \$11,087.85, and fees and costs for preparing their attorney's-fee motion in the amount of \$3,332.50 for a grand total of \$146,832.85.

Because of their reductions in attorney time for trial preparation and trial, Plaintiffs have reduced their claim for attorney and paralegal fees in the amount of \$4,127, thereby reducing this claim to \$128,293. Combining that amount with the same amount of costs, along with the fees sought for preparing their fee request, Plaintiffs now have a grand total of

\$142,713.85 but have reduced that by an additional \$10,000 to insure they are not seeking fees for any time spent solely on the Grove claim. They thus seek a total of \$132,713.85.

We disagree with Plaintiffs that the time spent on Grove's claim is not severable from the time spent on the declaratory-judgment claims. They argue that time spent on factually different claims is compensable if the claims are based on the same legal principles, (doc. 123, Pls.' Br. at p. 4), but that is not the law. A fee should be awarded for an unsuccessful claim only if it "involve[s] a common core of facts" with a successful claim or is "based on related legal theories." *Hensley v. Eckerhart*, 461 U.S. 424, 435, 103 S.Ct. 1933, 1940, 76 L.Ed.2d 40, 51 (1983). "[T]he focus is on whether the claims arose out of a common course of conduct." *Webb v. Sloan*, 330 F.3d 1158, 1169 (9th Cir. 2003).

There are some facts common to the Grove claim and the declaratory-judgment claims but no common core of facts. All three claims have as their backdrop the 2003 PrideFest, but beyond that they are independent. Grove's claim was that he was charged with defiant trespass and disorderly conduct to punish him for his First Amendment activities or to deter him from engaging in them. Plaintiffs' injunctive-relief claims (for which we granted declaratory relief) sought to prohibit the city from enforcing: (1) a fifty-foot buffer zone around the area for the festival; and (2) the decision of the PrideFest organizers

to exclude street preachers from an area that, while it was within the area permitted for the festival, was not being used by the festival. None of these claims required proof of any of the others, or even proof of the others to provide context.

Nor did they involve "related legal theories." All three claims do arise from First Amendment law, but the legal theories supporting them are different. Grove's claim used First Amendment retaliation law, see e.g., *Perez v. Ellington*, 421 F.3d 1128 (10th Cir. 2005), the buffer-zone claim used First Amendment buffer-zone law, see *World Wide Street Preachers' Fellowship v. Reed*, 430 F. Supp. 2d 411, 415 (M.D. Pa. 2006) (Caldwell, J.) (citing *McGuire v. Reilly*, 386 F.3d 45 (1st Cir. 2004)), and the third claim used First Amendment free-speech law in public places. See *Diener v. Reed*, 232 F. Supp. 2d 362, 375-76 (M.D. Pa. 2002) (Caldwell, J.), *aff'd*, 77 Fed. Appx. 601 (3d Cir. 2003) (nonprecedential). Thus, since Grove's claim was distinctly different from the two injunctive-relief claims on the facts and the law, we should exclude any time spent on his claim. See *Hensley*, *supra*, 461 U.S. at 435-36, 103 S.Ct. at 1940, 76 L.Ed.2d at 51. If that is not possible, we can "simply reduce the award to account for the limited success," taking into account the factors identified elsewhere in *Hensley*. *Id.* at 436-27, 103 S.Ct. at 1941, 76 L.Ed.2d at 52.¹

¹ Plaintiffs argue that Defendants' refusal to concede that they had acted unconstitutionally in any way required Plaintiffs "to aggressively litigate [the] matter," but that

As we review Plaintiffs' submissions, we agree with Defendants that we cannot always tell what time was spent on Grove's claim alone, although some entries are specific enough to eliminate completely. In these circumstances, although we will eliminate specific entries, we may "simply reduce the award to account for the limited success." *Hensley, supra*, 461 U.S. at 436-37, 103 S.Ct. at 1941, 76 L.Ed.2d at 52.² We believe that those entries showing time spent on all three claims should be reduced by 66 percent. The injunctive-relief claims presented simple sets of facts and needed few witnesses and documentary evidence to support them. The claim dealing with the unused portion of the permitted area required only the testimony of James Grove, Thomas Marcavage, another street preacher, and perhaps discovery directed at Tina Manoogian-King, Harrisburg's park director. It would also have needed a diagram of the relevant portion of the park showing the permitted area and the fenced-in area. The buffer-zone claim involved mainly Thomas Carter, the police officer who enforced the buffer zone,

argument is not a reason for making a fee award for unsuccessful claims. *Id.* at 438, 103 S.Ct. at 1941, 76 L.Ed.2d at 52 ("Congress has not authorized an award of fees whenever it was reasonable for a plaintiff to bring a lawsuit or whenever conscientious counsel tried the case with devotion and skill. Again, the most critical factor is the degree of success obtained.").

² In fact, even if Plaintiffs are correct in asserting that Grove's claim was related to the declaratory-judgment claims, we can reduce the award to account for the lack of success on his claim. See *Gulfstream III Assocs. v. Gulfstream Aerospace Corp.*, 995 F.2d 414, 423 (3d Cir. 1993).

and some limited testimony from Manoogian-King, Charles Kellar, Harrisburg's chief of police, and Stephanie Barrelet, a police officer. In fact, while it took about two and a half days to try Grove's claim, it took only about two and a half hours to try the injunctive-relief claims. We therefore believe that the negative multiplier of 66 percent, applied only to certain entries where it is unclear how much time was spent on the Grove claim, is appropriate to establish a reasonable fee in this case. We will use the same approach for the costs but leave the time spent on preparing the fee petition undisturbed.

In setting the fee, we have used Plaintiffs' Exhibit 2 from their brief of September 12, 2006. In the far right margin of the exhibit we have indicated on certain entries how many hours and costs we will allow after making the deduction from Plaintiff's hours and costs in the third column. We note that we made no deductions for the initial-pleadings stage, the dispositive-motions stage and the post-trial-motions stage, which all involved time spent on the declaratory-judgment claims. We summarize our calculations as follows for the lawyer and paralegal time.

Initial Pleadings

	Hours	Rate	Fees
LGB	49.60	\$225	\$11,160.00
RLW	3.70	200	740.00
Paralegal	10.00	75	750.00
		Total	\$12,650.00

Discovery

	Hours	Rate	Fees
LGB	42.72	\$225	\$9,612.00
DEB	18.81	275	5,172.75
Paralegal	16.07	75	1,205.25
		Total	\$15,990.00

Dispositive motions

	Hours	Rate	Fees
LGB	48.70	\$225	\$10,957.50
DEB	19.50	275	5,362.50
Paralegal	2.00	75	150.00
		Total	\$16,470.00

Trial Preparation

	Hours	Rate	Fees
LGB	25.51	\$225	\$10,957.50
DEB	34.43	275	5,362.50
RLW	5.21	200	1,042.00
Paralegal	15.67	75	1,175.25
		Total	\$17,425.25

Trial

	Hours	Rate	Fees
LGB	4.54	\$225	\$1,021.50
DEB	2.50	275	687.50
Paralegal	2.50	75	187.50
		Total	\$1,896.50

Post-trial Motions

	Hours	Rate	Fees
LGB	20.50	\$225	\$4,612.50

LGB	20.50	\$225	\$4,612.50
RLW	.30	200	60.00

Total \$4,672.50

Grand Total of fees	\$68,504.25
Costs	4,490.40
Fee petition	3,332.50

Total of fees and costs \$76,327.15

We will issue an appropriate order.

/s/William W. Caldwell
William W. Caldwell
United States District Judge

Date: November 17, 2006

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MARY E D'ANDREA CLERK
Per [Signature]
Deputy Clerk

O R D E R

AND NOW, this 17th day of November, 2006, upon
consideration of Plaintiffs' motion (doc. 114) for attorney's
fees, it is ordered that Defendants shall pay attorney's fees
and costs in the amount of \$76,327.15.

/s/William W. Caldwell
William W. Caldwell
United States District Judge

World Wide Street Preachers Fellowship and James Grove v. Reed et al., 04-cv-1127

Breakdown of Fees by Area of Work**Clymer & Musser, P.C.**

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Itemized Fee and Cost StatementCase: *WWSPF et al. v. Reed et al., 04-cv-1127*

Date: May 8, 2006

<u>Staff</u>	<u>Date</u>	<u>Activity</u>	<u>Time</u>	<u>Adjusted Time</u>	<u>Adjusted Time Per Aug 25, 2006 Order</u>	<u>Reduced Hours Allowed</u>
LGB	5/2/2004	Work on draft complaint final changes.	2.30	2.30	2.10	
LGB	5/4/2004	Work on memorandum in support of injunctive relief.	4.10	4.10	4.10	
LGB	5/5/2004	Work on memorandum in support of injunctive relief.	4.30	4.30	4.30	
RLW	5/5/2004	Review and make changes to brief.	1.40	1.40	1.40	
LGB	5/6/2004	Review and revise memorandum in support of injunctive relief.	1.90	1.90	1.90	
LGB	5/7/2004	Conduct research on language of disorderly conduct statute.	0.40	0.40	0.40	
LGB	5/7/2004	Revise memo in support of injunctive relief.	0.50	0.50	0.50	
LGB	5/10/2004	Work on finalizing memorandum and adding additional research.	1.40	1.40	1.40	
LGB	5/11/2004	Finalize memorandum for filing.	0.40	0.40	0.40	
LGB	5/19/2004	Revise complaint and mail for filing.	0.30	0.30	0.30	
LGB	5/20/2004	Prepare documents for electronic filing and transmit disk with copying instructions to court. (Administration Rate)	2.50	2.50	2.50	

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LGB	5/20/2004	Finalize brief argument portion.	0.90	0.90	0.90
EMM	6/1/2004	Grove v. Reed, research and technical presentation, hearing preparation	11.00	7.00	7.00
LGB	6/1/2004	Letter to clients regarding hearing, instruct assistant on preparations for hearing.	0.30	0.30	0.30
EMM	6/2/2004	Harrisburg - Grove v. Reed, research	0.50	0.50	0.50
LGB	6/2/2004	Begin preparing draft stipulations.	0.60	0.60	0.60
LGB	6/2/2004	Begin hearing preparations - outline strategy of presentation.	0.80	0.80	0.80
LGB	6/3/2004	Begin work on proposed stipulations.	0.70	0.70	0.70
LGB	6/3/2004	Read and analyze numerous cases separating groups of people during protests.	1.10	1.10	1.10
LGB	6/3/2004	Continue work on draft stipulations.	1.40	1.40	1.40
LGB	6/4/2004	Research evidentiary issues on newspaper admissions.	0.40	0.40	0.40
LGB	6/4/2004	Finalize draft stipulations.	0.50	0.50	0.50
LGB	6/4/2004	Prepare draft opening statement.	0.50	0.50	0.50
LGB	6/4/2004	Prepare outline of evidence presentation, determine strategy and focus of presentation and who to call as witnesses.	0.70	0.70	0.70
LGB	6/7/2004	Review proposed ordinance from City of Harrisburg regarding buffers and look up and review cited case. Graphically compare <i>Schenk</i> to this case.	1.20	1.20	1.20
LGB	6/7/2004	Work on direct examination questions of Jim Grove.	1.30	1.30	1.30
RLW	6/7/2004	Photos for hearing	0.30	0.30	0.30
LGB	6/8/2004	Research buffer zone in light of <i>Hill v. Colorado</i> .	0.70	0.70	0.70
LGB	6/8/2004	Work on questions for Ron McRae	1.90	1.90	1.90

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LGB	6/9/2004	Prepare proposed injunction along with email to clients to consider compromise pending discovery and msj/trial.	0.80	0.80	0.80
LGB	6/9/2004	Review time line and begin preparation of content based presentations.	1.20	1.20	1.20
LGB	6/9/2004	Research and review <i>Madsen, Hill and Ward</i> regarding standards of review for buffer zones and analysis.	1.90	1.90	1.90
LGB	6/9/2004	Additional review of case law and factual comparison and contract regarding Shenk. Strategy conversation with senior counsel at ACLJ, Washington, DC, regarding preliminary injunction hearing.	1.90	1.90	1.90
RLW	6/9/2004	Download photos for use at hearing	0.20	0.20	0.20
RLW	6/9/2004	Discuss proposal for a stipulated injunction with Attorney Brown	0.40	0.40	0.40
RLW	6/9/2004	Talk to Len about strategy - Hill v. Colorado, proving buffer zones, who to put on the stand, presentation of videos, standard of review	0.60	0.60	0.60
LGB	6/10/2004	Review pictures for use at preliminary hearing.	0.70	0.70	0.70
LGB	6/10/2004	Begin preparation of presentation to the court.	3.90	3.90	3.90
RLW	6/10/2004	Messages to Jim Young, Jim Grove, and Ron McRae.	0.10	0.10	0.10
RLW	6/10/2004	Call from Jim Grove and email to Grove regarding opinion and order	0.30	0.30	0.30
RLW	6/10/2004	Discuss presentation strategy (whether to put on a lot of testimony) with Attorney Brown	0.40	0.40	0.40
LGB	6/11/2004	Letter to Judge Caldwell regarding persuasive authority.	0.10	0.10	0.10
LGB	6/11/2004	Conversation with Jim Young regarding stipulations and proposed areas for speech.	0.20	0.20	0.20
LGB	6/11/2004	Revise stipulations to include common pleas stipulations and email to Jim Young.	0.30	0.30	0.30

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LGB	6/11/2004	Conversation with Greg Davis regarding video authentication. Draft affidavit and mail to Mr. Davis.	0.60	0.60	0.60
LGB	6/11/2004	Prepare for meeting with Judge Caldwell by reviewing notes and timelines. Outline areas the the court may need to decide. Propose solutions to dispute for this year.	0.90	0.90	0.90
LGB	6/11/2004	Review videos in preparation for meeting with Judge Caldwell and hearing on motion for injunction.	1.60	1.60	1.60
LGB	6/14/2004	Conversation with Frank Lavery regarding aerial photos directing me to review them and get back to him.	0.10	0.10	0.10
LGB	6/14/2004	Conversation with Frank Lavery regarding revisions to stipulations. Revise and fax to Beth Gabler.	0.20	0.20	0.20
LGB	6/14/2004	Prepare draft stipulations and order for 2004 PrideFest.	0.40	0.40	0.40
LGB	6/14/2004	Review area photos of event and suggest revisions by scanning, coloring and email to Frank Lavery.	0.60	0.60	0.60
LGB	6/14/2004	Prepare for meeting with Judge Caldwell, travel to Harrisburg for meeting. Meet with Judge Caldwell, and second meeting to work out agreement with Frank Lavery, Beth Gabler and Chief Keller. Return to Lancaster while calling plaintiffs to get verbal assent to agreement. Call to Frank Lavery communicating plaintiffs' assent and call to court to confirm verbal agreement pending reduction of agreement to writing.	5.20	5.20	5.20
LGB	6/15/2004	Conversation with Frank Lavery regarding stipulated injunction, email suggesting changes. Call to Judge's chambers and call to clerk regarding status.	0.60	0.60	0.60
Initial Pleadings			67.50	63.50	63.30
LGB	6/22/2004	Work on interrog and rpd.	0.70	0.70	0.70

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LGB	7/6/2004	Conference with Attorney Wenger regarding trial strategy.	0.50	0.50	0.50
LGB	7/13/2004	Letter to clients regarding areas for protest.	0.20	0.20	0.20
LGB	7/15/2004	Review defendants' answer to complaint.	1.20	1.20	1.20
LGB	7/16/2004	Review affirmative defenses of City and determine whether to challenge any of them.	0.90	0.90	0.90
LGB	7/30/2004	Prepare discovery for interrogatories, documents and requests for admissions for all defendants.	1.70	1.70	1.70
LGB	8/2/2004	Begin review of Discovery plan and add substantive portions to submit to defendants.	1.10	1.10	1.10
LGB	8/2/2004	Revise discovery - request for production of documents, admissions, and interrogatories.	1.50	1.50	1.50
LGB	8/3/2004	Revise Rule 26 disclosures.	0.30	0.30	0.30
LGB	8/4/2004	Finalize discovery requests on Harrisburg: Request for production of documents, request for admissions, request for interrogatories.	0.30	0.30	0.30
LGB	8/4/2004	Work on draft case management plan to forward to defendants.	0.90	0.90	0.90
LGB	8/10/2004	Letter to Jim Young regarding discover requests from City.	0.20	0.20	0.20
LGB	8/12/2004	Conference with Attorney Wenger regarding settlement strategy.	0.20	0.20	0.20
LGB	8/13/2004	Review case management plan and call Jim Young. Review plan with Jim, make final changes and file plan with court.	1.90	1.90	1.90
LGB	8/25/2004	Rule 16 conference with Judge Caldwell in Harrisburg.	1.30	1.30	1.30
EMM	9/2/2004	scanning and email documents to Ron McRae (interrogatories, etc)	0.40	0.40	0.40
LGB	9/7/2004	Finalize Interrogatories.	1.20	1.20	1.20
LGB	9/8/2004	Conference with Attorney Wenger regarding settlement options and second complaint.	0.30	0.30	0.30

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LGB	10/21/2004	Prepare proposed permanent injunction.	0.60	0.60	0.60	
EMM	11/22/2004	Set up DVD burner and make DVDs	0.90	0.90	0.90	
LGB	12/21/2004	Conversation with Judge Caldwell's deputy clerk regarding status of the case.	0.20	0.20	0.20	
LGB	12/29/2004	Conference call with Attorney Lavery to discuss finalization of permanent injunction.	0.70	0.70	0.70	
LGB	2/15/2005	Speak with Frank Lavery regarding settlement.	0.70	0.70	0.70	
LGB	2/18/2005	Work on negotiating final agreement.	1.00	1.00	1.00	
LGB	2/24/2005	Conference call with Judge Caldwell. Prepare for conference. Call to Attorney Kellum regarding <i>Parks</i> case and Dennis Boyle.	2.20	2.20	2.20	
LGB	3/1/2005	Meeting with Dennis Boyle to discuss case strategy.	1.70	1.70	1.70	
LGB	3/15/2005	Prepare memo in support of motion to reinstate complaint.	0.50	0.50	0.50	
LGB	3/16/2005	Revise scheduling order/management plan and send to Attorney Lavery.	0.30	0.30	0.30	
LGB	3/25/2005	Conversation with Frank Lavery regarding scheduling order and settlement options.	0.20	0.20	0.20	
LGB	3/26/2005	Finalize revised case management plan and file.	0.20	0.20	0.20	
LGB	4/13/2005	Review documents for counsel and videos	1.10	1.10	1.10	
DEB	4/18/2005	Review pleadings.	0.60	0.60	0.60	
DEB	4/19/2005	Conference with L. Brown, Esq.; begin review of investigative materials.	3.40	3.40	3.40	1.16
LGB	4/19/2005	Meeting with Attorney Boyle regarding strategy of settling underlying claim.	0.60	0.60	0.60	
DEB	4/27/2005	Review research on recovery of attorney's fees.	1.40	1.40	1.40	
DEB	5/11/2005	Review investigative materials in preparation for depositions.	4.90	4.90	4.90	1.67
LGB	5/11/2005	Discussion of strategy with Attorney Wenger.	0.70	0.70	0.70	
DEB	5/12/2005	Research internet for similar cases; review prior trial transcripts.	2.60	2.60	2.60	.89
DEB	5/17/2005	Review proposed deposition schedule.	0.40	0.40	0.40	

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LGB	5/24/2005	Review notices and sign discovery subpoenas.	0.20	0.20	0.20	
DEB	5/31/2005	Review deposition notices; phone conference with L. Brown.	1.10	1.10	1.10	
DEB	6/1/2005	Review hearing transcripts and discovery responses.	2.10	2.10	2.10	.71
LGB	6/7/2005	Finalize depo schedule and letter to Pastor Grove.	0.40	0.40	0.40	
EMM	6/17/2005	Deposition preparation: compile DVD chart & verify running times on 3 DVDs Copy hearing transcripts Print photographs Visionary	10.00	10.00	10.00	3.40
LGB	6/17/2005	Begin preparations for Grove depositions.	1.10	1.10	1.10	0
LGB	6/22/2005	Prepare for depositions.	1.10	1.10	1.10	0
EMM	6/23/2005	Meeting with Dennis Boyle regarding depositions Type meeting notes Legal Research: Act 120 (described in Corporal Carter's discovery responses)	3.50	3.50	3.50	1.19
DEB	6/23/2005	Preparation for depositions.	7.90	7.90	7.90	0
LGB	6/23/2005	Prepare for depositions.	2.60	2.60	2.60	0
PRR	6/24/2005	T/c Robert Kegeris re: deposition; t/c Kirk Baney re: deposition	0.30	0.30	0.30	0
PRR	6/24/2005	Research on obtaining aerial photographs of Riverfront Park; t/c Parks & Recreation Office; conf. w/DEB	2.00	2.00	2.00	
DEB	6/24/2005	Preparation for depositions.	4.10	4.10	4.10	0
DEB	6/25/2005	Preparation fro depositions of Kirk Baney, Glenn Wagner and Rosemarie Morocco	1.70	1.70	1.70	0
DEB	6/27/2005	Preparation for depositions; depositions of Kirk Baney, Glenn Wagner and Rosemarie Morocco.	4.10	4.10	4.10	0
LGB	6/27/2005	Prepare for Depositions on June 28 2005.	0.30	0.30	0.30	
LGB	6/27/2005	(June 28) Prepare for depo of Carter and Anklim,	0.90	0.90	0.90	
LGB	6/27/2005	Travel to depositions.	1.60	1.60	1.60	0
LGB	6/27/2005	Travel to depositions of Baney, Wagner and Morocco.	1.90	1.90	1.90	0

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LGB	6/27/2005	Depositions of three fact witnesses: Kirk Baney, Glenn Wagner and Roemary Morocco.	3.10	3.10	3.10	0
LGB	6/27/2005	Depositions of two fact witnesses.	3.20	3.20	3.20	0
DEB	6/28/2005	Attend depositions of CPL Carter and Don Aklim	3.00	3.00	3.00	1.00
LGB	6/28/2005	Travel to depositions of Carter and Anklim.	2.10	2.10	2.10	
LGB	6/28/2005	Depositions of Carter and Anklim.	3.10	3.10	3.10	1.00
PRR	6/29/2005	Preparation of documents for use in depositions	0.60	0.60	0.60	
DEB	6/29/2005	Preparation for depositions of Tina Manoogain King, Randy King and Charles Keller.	3.60	3.60	3.60	
LGB	6/29/2005	Prepare for deposition and deposition of Yvonne Wilson.	1.70	1.70	1.70	0
LGB	6/29/2005	Travel to Wilson Deposition.	2.20	2.20	2.20	0
DEB	6/30/2005	Preparation for depos and Depositions of Tina Manoogian-King, Randy King, Stephanie Bartlett and Charles Kellar.	4.10	4.10	4.10	
LGB	6/30/2005	Travel to depos.	1.70	1.70	1.70	
LGB	6/30/2005	Depositions of Manoogian-King, Barelett, Randy King and Chief Rager. Conference regarding strategy with Attorney Boyle.	3.40	3.40	3.40	
LGB	7/5/2005	Direct additional depositions to be noticed.	0.60	0.60	0.60	
LGB	7/7/2005	Research 3rd Cir. policy and practice standard in preparations for depos of City policymakers.	1.60	1.60	1.60	
PRR	7/27/2005	Preparation of deposition summary of Randy King; begin summary of deposition of Chief Kellar	2.00	2.00	2.00	
PRR	7/28/2005	Complete deposition summary of Chief Kellar; prepare deposition summary of Kirk Baney	2.20	2.20	2.20	.75
PRR	7/29/2005	Preparation of deposition summaries for Yvonne Wilson	1.40	1.40	1.40	0

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DEB	7/29/2005	T/c w/ Laura Dobbins; t/c w/ Len Brown; email to L. Brown	0.80	0.80	0.80	
LGB	7/29/2005	Conversation with Attorney Boyle regarding strategy of deposing Ray Lacaba in California. Letter to Attorney Lavery.	0.40	0.40	0.40	
PRR	8/3/2005	Preparation of summary of deposition for Donald Anklam, Glen Wagner and Tina Manoogian-King	4.50	4.50	4.50	1.53
LGB	8/9/2005	Meeting with Pastor Grove in preparation for deposition.	0.80	0.80	0.80	0
LGB	8/9/2005	Travel to Harrisburg to meet with client and defend depositions.	1.80	1.80	1.80	0
LGB	8/9/2005	Defend depositions of James Grove and Pearl Grove. Review City of Harrisburg General Orders.	4.70	4.70	4.70	0
PRR	8/10/2005	Continue summary of deposition of Stephanie Barrelet; complete summary of deposition for Rosemary Mirocco and Thomas Carter	3.30	3.30	3.30	
DEB	8/15/2005	Conf. w/ L. Brown re: depos and trial strategy; continue review of discovery to determine if anything else is needed	2.60	2.60	2.60	.88
LGB	8/15/2005	Meeting with Attorney Boyle to discuss strategy for trial based on present depositions.	0.40	0.40	0.40	
LGB	8/15/2005	Travel to Harrisburg to defend depositions of Marcavage, Deiner, Krone and Garisto.	1.90	1.90	1.90	

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LGB	8/15/2005	Defend depositions of Mark Deiner, Stephen Garisto, Michael Marcavage and Dennis Krone.	3.60	3.60	3.60	1.22
LGB	8/17/2005	Call to Mr. Grove regarding upcoming depositions and call to investigator to gather additional information on City of Harrisburg for use in impeachment at trial.	0.60	0.60	0.60	
PRR	8/25/2005	T/c R. Wenger, Esq. (3); review copies of deposition notices; t/c C. Kohn, F. Lavery's office; t/c E. O'Deim; email R. Wenger, L. Brown & DEB	0.60	0.60	0.60	0
DEB	8/26/2005	Preparation for deposition.	1.40	1.40	1.40	0
DEB	8/29/2005	Deposition of B. Kegris.	0.90	0.90	0.90	0
LGB	8/29/2005	Travel to Harrisburg for Deposition of Kirk Baney.	1.50	1.50	1.50	0
LGB	8/29/2005	Deposition of Kirk Baney and initial trial strategy planning with Attorney Boyle.	1.60	1.60	1.60	0
DEB	8/30/2005	Conf. w/ L. Brown re: status of depositions.	0.50	0.50	0.50	
LGB	8/30/2005	Discussions with Attorney Boyle regarding strategy of calling various individuals who have been deposed.	0.60	0.60	0.60	
LGB	8/30/2005	Travel to depositions of police officers.	1.40	1.40	1.40	0
LGB	8/30/2005	Depose three police officers regarding arrest of James Grove.	2.60	2.60	2.60	0
PRR	9/1/2005	T/c Cathy Kohn, F. Lavery's Office re: rescheduling O'Deim deposition; t/c E. O'Deim	0.40	0.40	0.40	0
PRR	9/7/2005	T/c Eva O'Deim; t/c Cathy, F. Lavery's office; email L. Brown & DEB; t/c Filius & McLucas re: court reporter	0.40	0.40	0.40	0
LGB	9/7/2005	Send letter to clients and witnesses regarding deposition transcript review.	0.30	0.30	0.30	
LGB	9/21/2005	Begin preparations for O'Deim deposition.	0.40	0.40	0.40	0
LGB	9/22/2005	Prepare for O'Diem deposition.	0.60	0.60	0.60	0
LGB	9/22/2005	Conduct deposition of Eva O'diem.	1.20	1.20	1.20	0
LGB	9/22/2005	Travel to Harrisburg for O'Diem deposition.	1.50	1.50	1.50	0

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RLW	12/8/2005	Greg Davis Deposition and meeting with Greg afterwards. Follow up discussion with Len.	3.20	3.20	3.20	0
LGB	12/10/2005	Review deposition transcript of Greg Davis.	0.90	0.90	0.90	0
		Discovery	171.60	171.60	171.60	
DEB	7/11/2005	Review motion for preliminary injunction, brief in support thereof; p/c w/ L. Brown.	0.70	0.70	0.70	
LGB	7/11/2005	Review of Harrisburg's motion and memo. Conversation with Attorney Boyle regarding Harrisburg filing. Begin draft response.	0.20	0.20	0.20	
DEB	7/15/2005	Review Brief in Opposition to Motion for Preliminary Injunction.	0.90	0.90	0.90	
LGB	7/15/2005	Prepare response to City of Harrisburg's motion to extend injunction.	1.90	1.90	1.90	
LGB	9/7/2005	Begin draft of memorandum in support of motion for partial summary judgment.	0.40	0.40	0.40	
LGB	9/8/2005	Begin work of Motion for Partial Summary Judgment.	0.50	0.50	0.50	
LGB	9/9/2005	Begin work on statement of facts for memorandum in support of motion for partial summary judgment.	0.40	0.40	0.40	
PRR	9/12/2005	Review email from L. Brown; t/c Filius & McLucas; email to L. Brown	0.30	0.30	0.30	
LGB	9/12/2005	Continue work on draft memo in support of motion for partial summary judgment. Work on facts section and beginnings of argument.	0.90	0.90	0.90	
LGB	9/12/2005	Continue work on Statement of Material Facts in support of partial motion for summary judgment.	2.20	2.20	2.20	
PRR	9/13/2005	T/c Filius & McLucas; email to L. Brown	0.20	0.20	0.20	
LGB	9/13/2005	Work on MSJ Memo statement of questions involved.	0.10	0.10	0.10	
LGB	9/13/2005	Work on MSJ Memo procedural history section.	0.30	0.30	0.30	

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LGB	9/13/2005	Work on MSJ Memo - Facts section draft.	1.40	1.40	1.40
LGB	9/13/2005	Work on MSJ Memo argument section draft.	2.80	2.80	2.80
LGB	9/19/2005	Continue work on MSJ Memo argument section and facts.	3.10	3.10	3.10
LGB	9/20/2005	Work on argument section and revisions. Read numerous depositions and incorporate into facts and argument.	3.80	3.80	3.80
LGB	9/21/2005	Work on revisions to draft memo in support of MSJ. Incorporate additional case law and begin review of documents and statements for consideration of incorporation. Conduct additional research on current caselaw.	3.10	3.10	3.10
DEB	9/23/2005	Begin review of Motion for Partial Summary Judgment.; conf. w/ L. Brown re: trial strategy; review deposition testimony of witnesses.	4.60	4.60	4.60
LGB	9/26/2005	Review Memo in support of partial MSJ and note corrections.	0.30	0.30	0.30
LGB	9/27/2005	Continue revisions to Memo in support of motion for partial summary judgment and statement of material facts. Emails to Attorney Lavery regarding concurrence with motion and filing documents under seal.	3.60	3.60	3.60
LGB	9/29/2005	Final adjustment and fine-tuning of brief for filing tomorrow.	1.10	1.10	1.10
LGB	10/7/2005	Begin work on draft response to Defendants' Statement of Material facts on their Motion for Summary Judgment.	2.80	2.80	2.80
DEB	10/8/2005	Review Defendant's Motion for Partial Summary Judgment.	4.10	4.10	4.10
DEB	10/11/2005	Continue review of discovery materials re: Mot. for Partial Summary Judgment and preparation for trial.	5.40	5.40	5.40
LGB	10/11/2005	Work on affidavit of James Grove and response to statement of material facts.	1.60	1.60	1.60

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LGB	10/11/2005	Read defendants memorandum in support of their partial motion for summary judgment and outline response.	2.10	2.10	2.10
PRR	10/12/2005	Review email from L. Brown; review file documents and locate information and email to L. Brown	1.50	1.50	1.50
LGB	10/12/2005	Work on draft response to defendants motion for partial summary judgment to include research and writing.	3.40	3.40	3.40
DEB	10/13/2005	Review Response to Motion for Partial Summary Judgment; continue trial preparation	3.80	3.80	3.80
LGB	10/13/2005	Begin work on revisions to draft.	0.40	0.40	0.40
LGB	10/13/2005	Continue to work on draft response to defendants motion for partial summary judgment to include research and writing.	4.80	4.80	4.80
LGB	10/14/2005	Review and revise brief in opposition to defendants' partial motion for summary judgment.	0.20	0.20	0.20
LGB	10/18/2005	Finalize response brief by revisions and additional research.	2.70	2.70	2.70
LGB	11/1/2005	Prepare reply brief to defendants' response to plaintiffs' motion for summary judgment by reviewing and analyzing defendants' brief in opposition.	0.40	0.40	0.40
LGB	11/1/2005	Prepare draft reply brief to defendants' response to plaintiffs' motion for summary judgment.	1.30	1.30	1.30
LGB	11/1/2005	Continue work on reply brief to defendants' response to plaintiffs' motion for summary judgment.	2.90	2.90	2.90
Dispositive Motions			70.20	70.20	70.20
LGB	9/22/2005	trial preparation work with paralegal. Conference with Attorney Boyle regarding motions pending filed prior to trial and various	1.80	1.80	1.80

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PRR	9/27/2005	Begin conversion of documents to begin importing into Visionary software in preparation for trial	1.00	1.00	1.00	.33
PRR	9/28/2005	Continue conversion of documents to begin importing into Visionary software in preparation for trial	1.00	1.00	1.00	.33
LGB	9/28/2005	Prepare initial trial strategy memo, witness list and voir dire questions/issues.	0.60	0.60	0.20	
AUU	9/29/2005	Video duplication for MSJ	2.00	2.00	2.00	
PRR	9/29/2005	Continue review of file documents and preparing for input into Visionary software in preparation for trial	2.50	2.50	2.50	.85
DEB	9/29/2005	Review motion for summary judgment; accompanying documents and brief in support thereof; t/c w/ L. Brown, Esq. Begin review of documents for trial.	8.10	8.10	8.10	2.75
DEB	10/3/2005	Review file in preparation for trial; conf. w/ L. Brown and R. Wenger.	2.60	2.60	2.60	.88
DEB	10/3/2005	Preparation for trial; conf. w/ L. Brown and R. Wenger.	2.60	2.60	2.60	.88
PRR	10/6/2005	Continue importing file documents, etc. into Visionary in preparation for trial	1.50	1.50	1.50	.51
DEB	10/10/2005	Review deposition testimony; conf. w/ L. Brown.	2.10	2.10	2.10	.71
PRR	10/18/2005	Continue importing documents, photos, etc. into Visionary	3.00	3.00	3.00	1.00
LGB	10/26/2005	Begin draft of pretrial memo, letter to Attorney Lavery regarding conference of attorneys per local rule.	1.30	1.30	1.30	
LGB	10/26/2005	Prepare draft special verdict form for trial.	1.70	1.70	0.00	
RLW	10/27/2005	Review proposed special verdict form	0.10	0.10	0.00	
PRR	10/28/2005	Continue importing documents into Visionary	1.00	1.00	1.00	.33
LGB	11/2/2005	Begin work on jury instructions.	0.30	0.30	0.00	
LGB	11/2/2005	Work on draft voir dire questions.	0.40	0.40	0.00	
LGB	11/2/2005	Begin work on pretrial memorandum (statement of facts, body of memo); email to Jim Young and Frank Lavery.	1.10	1.10	1.10	

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RLW	11/2/2005	Discuss with Dennis	0.10	0.10	0.10	
RLW	11/3/2005	Review reply brief	0.20	0.20	0.20	
LGB	11/4/2005	Finalize reply brief for filing and final research.	0.60	0.60	0.60	
DEB	11/7/2005	Attend Attorney's Conference; review witness lists and witness statements; begin preparation for trial.	7.80	7.80	7.80	2.65
LGB	11/7/2005	Meet with Frank Lavery and Jim Young regarding pretrial conference meeting of attorneys. Travel to and from meeting.	1.40	1.40	1.40	.48
LGB	11/7/2005	Trial planning with Attorney Boyle. Divide list of witnesses for preparation. Discussion of evidence presentation and order of such presentation along with possible pitfalls and juror impressions. Review theory of the case and elements.	2.10	2.10	2.10	.71
LGB	11/8/2005	Revise statement of facts and send to Attorney Lavery for review.	0.20	0.20	0.20	
LGB	11/8/2005	Letter to Attorney Lavery regarding follow up to meeting of attorneys and verification of exhibit list.	0.20	0.20	0.20	0
DEB	11/9/2005	Review discovery in Preparation and assembly of. for trial.	2.90	2.90	2.90	.97
DEB	11/10/2005	Preparation continue Preparation for trial.	6.20	6.20	6.20	2.1
RLW	11/10/2005	Discuss witness prep	0.10	0.10	0.10	
DEB	11/11/2005	Continue Preparation for trial.	6.10	6.10	6.10	2.07
DEB	11/15/2005	Review new videotape; email to L. Brown and R. Wenger; t/c w/ clerk's office; continue trial prep.	5.10	5.10	5.10	1.73
DEB	11/16/2005	T/c w/ J. Young and email to L. Brown.	0.40	0.40	0.40	
DEB	11/17/2005	Review order from Court; t/c w/ L. Brown; continue preparation for trial.	4.80	4.80	4.80	1.63
LGB	11/21/2005	Review motion in limine.	0.20	0.20	0.20	
LGB	11/21/2005	Review Harper video.	0.70	0.70	0.70	0

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LGB	11/21/2005	Work on motion in limine to preclude testimony regarding statements of others than Pastor Grove.	0.70	0.70	0.70	0
LGB	11/21/2005	Letter to Frank and Jim regarding video. Call from Frank and email to Frank and Jim.	0.80	0.80	0.80	
RLW	11/21/2005	Call to confirm witnesses	0.30	0.30	0.30	
LGB	11/22/2005	Prepare Tab C for pretrial memo.	0.10	0.10	0.10	
LGB	11/22/2005	Begin preliminary work on Witness questions.	0.20	0.20	0.20	
LGB	11/22/2005	Work on motion in limine to limit testimony of defendants.	1.40	1.40	1.40	.92
LGB	11/23/2005	Call to Attorney Lavery regarding undisputed facts for pretrial memo.	0.10	0.10	0.10	
LGB	11/23/2005	Finalize pretrial memo and attachments for filing.	0.60	0.60	0.60	
LGB	11/23/2005	Continue work on Jury Instructions.	1.40	1.40	0.00	
LGB	11/23/2005	Meeting with Attorney Boyle to finalize pretrial memo, exhibits, jury instructions and motion in limine. Begin planning witness questioning. Travel to and from Harrisburg.	3.60	3.60	3.10	1.05
RLW	11/23/2005	Spoke to Pearl Grove in anticipation of trial testimony	0.10	0.10	0.10	0
LGB	11/25/2005	Emails to Attorney Boyle and legal assistant regarding witness meetings and coordination.	0.20	0.20	0.20	
LGB	11/25/2005	Finalize pretrial memo and exhibits for filing.	1.10	1.10	1.10	.37
RLW	11/25/2005	Call from Dennis Krone	0.20	0.20	0.20	0
PRR	11/28/2005	Continue assembly of documents, formatting and importing into Visionary in preparation for trial	4.50	4.50	4.50	1.53

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RLW	11/28/2005	Call to Greg Davis (message). Call to Michael Marcavage (message). Call to Mark Diener. Message for Dennis Krone. Email to Len and Dennis.	0.90	0.90	0.90	.31
PRR	11/29/2005	Continue preparation for trial; assembly of documents and importing into Visionary program for use at trial	6.50	6.50	6.50	2.21
DEB	11/29/2005	Preparation for trial.	4.60	4.60	4.60	1.56
PRR	11/30/2005	Attend trial-run of Visionary program in courtroom for use at trial; conf. w/L. Brown and DEB	2.00	2.00	2.00	.68
DEB	11/30/2005	Pre-trial conference; continue preparation for trial.	6.20	6.20	6.20	2.10
LGB	11/30/2005	Meet with Jeff from Clerk's Office to review evidence presentation system and work on practicing evidence presentation on court system.	0.70	0.70	0.70	
LGB	11/30/2005	Review strategy subsequent to pretrial conference and prior to meeting with Attorney Boyle to reevaluate witness list.	1.10	1.10	1.10	.37
LGB	11/30/2005	Appear at pretrial conference and travel to and from Harrisburg.	2.30	2.30	2.30	
RLW	11/30/2005	Discuss trial with Len	0.10	0.10	0.10	
DEB	12/1/2005	Witness interviews and preparation for trial.	6.10	6.10	6.10	2.07
LGB	12/1/2005	Review new video from Mr. Diener and discuss strategy of incorporation of video with Attorney Boyle.	1.50	1.50	1.50	0
LGB	12/1/2005	Meet with witness Mark Diener in preparation for trial.	1.90	1.90	1.90	0
LGB	12/1/2005	Work on draft response to Attorney Lavery's motions in limine.	2.10	2.10	2.10	
RLW	12/1/2005	Discuss with Attorney Boyle. Call from Greg Davis.	0.80	0.80	0.80	
RLW	12/1/2005	Participate in interview of Ron Harper	1.40	1.40	1.40	.48
DEB	12/2/2005	Conf. w/ client; witness interviews; review deposition transcripts; conf. w/ L. Brown; trial preparation.	7.40	7.40	7.40	2.52

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LGB	12/2/2005	Letter to Attorney Lavery regarding exhibits.	0.20	0.20	0.20	
LGB	12/2/2005	Finalize responses to Attorney Lavery's motions in limine for filing.	1.30	1.30	1.30	
LGB	12/2/2005	Travel to and from Harrisburg to meet with Attorney Boyle regarding trial.	1.50	0.00	0.00	
LGB	12/2/2005	Meet with witnesses, James Grove, Pearl Grove and Pat Stegman to preparation for trial testimony.	2.40	2.40	2.40	0
LGB	12/2/2005	Trial preparation with evidence presentation system and further refinement of theory with attorney Boyle.	3.20	3.20	3.20	1.08
LGB	12/2/2005	Prepare for witness preparation of Greg Davis and Mark Diener. Second preparation for Mr. Diener in light of video evidence.	5.40	5.40	5.40	0
RLW	12/2/2005	Call from Dennis Krone. Call to Len.	0.20	0.20	0.20	
PRR	12/5/2005	Continue preparation of documents for trial; t/c Joan, Judge Caldwell's chambers; t/c Jeff Groff; t/c L. Brown	1.80	1.80	1.80	.61
DEB	12/5/2005	Continue trial preparation.	8.10	8.10	8.10	2.75
LGB	12/5/2005	Call to Frank Lavery regarding Jennifer Ellis and Greg Davis. Conversation with Attorney Young.	0.10	0.10	0.10	
PRR	12/6/2005	Continue preparation for trial; testing of Visionary in courtroom	2.50	2.50	2.50	.85
PRR	12/6/2005	Continue preparation of documents for trial	2.50	2.50	2.50	.85
DEB	12/6/2005	Continue preparation for trial.	3.10	3.10	3.10	1.05
LGB	12/6/2005	Conversation with Attorney Young regarding Jennifer Ellis.	0.10	0.10	0.10	
LGB	12/6/2005	Work on revised trial strategy. Email to Jennifer Ellis.	0.80	0.80	0.80	
LGB	12/6/2005	Final revisions to jury instructions and voir dire and amended special verdict form.	1.10	1.10	0.00	
LGB	12/6/2005	Travel to Harrisburg for meeting with Jeff of USDC regarding evidence presentation and coordination.	1.50	1.50	1.50	

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LGB	12/6/2005	Work with Jeff of USDC regarding evidence coordination and integration with system. Do practice on introducing evidence via court's system.	2.10	2.10	2.10	.72
RLW	12/6/2005	Talk to LGB about Thursday deposition of Greg Davis	0.10	0.10	0.10	0
PRR	12/7/2005	Continue preparation of trial exhibits; emails to/from L. Brown	6.50	6.50	6.50	2.21
DEB	12/7/2005	Continue trial preparation.	2.10	2.10	2.10	.71
LGB	12/7/2005	Conversation with Attorney Young regarding video.	0.10	0.10	0.10	
LGB	12/7/2005	Conversation with Attorney Boyle regarding opening and closing arguments. Critique of opening and discussion of witness question integration with theory.	0.90	0.90	0.90	0
LGB	12/7/2005	Conference with Mr. Marcavage regarding testimony.	0.90	0.90	0.90	0
LGB	12/7/2005	Prepare for trial - coordinate evidence that will be presented to witnesses on direct by identifying screen shots and clips for cross examination.	1.60	1.60	1.60	.54
LGB	12/7/2005	Prepare Marcavage initial outline, review depositions of Marcavage and Krone, determine pictures for use with Mr. Marcavage. Email to Mr. Marcavage.	2.20	2.20	2.20	0
PRR	12/8/2005	Continue preparation of trial exhibits; emails to/from L. Brown	4.00	4.00	4.00	1.36
DEB	12/8/2005	Continue Preparation for trial.	3.40	3.40	3.40	1.16
LGB	12/8/2005	Instruct assistant on video clips to create for cross examination.	0.30	0.30	0.30	
LGB	12/8/2005	Brief meeting with Mr. Diener, Mr. Davis and Attorney Wenger after the deposition of Mr. Davis.	0.30	0.30	0.30	0
LGB	12/8/2005	Meeting with Mark Diener regarding testimony and additional work with him on presentation of evidence for identification in front of the jury.	1.70	1.70	1.70	0

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LGB	12/8/2005	Trial Preparation - work on questions for Mark Diener in preparation for meeting with Mr. Diener and work on integration of various pictures into his testimony. Call to Mr. Diener regarding video.	1.70	1.70	1.70	0
RLW	12/8/2005	Prepare motion to strike voir dire question regarding religion - research	0.70	0.70	0.70	
DEB	12/9/2005	Preparation for trial.	4.90	4.90	4.90	1.67
RLW	12/9/2005	File Motion to Strike	0.20	0.20	0.20	
RLW	12/9/2005	Motion to Strike, proposed order, brief, research, spoke with Attorney Boyle	2.40	2.40	2.40	.82
DEB	12/12/2005	Preparation for trial.	6.10	6.10	6.10	2.07
LGB	12/12/2005	Travel to Harrisburg to meet with witnesses Dennis Krone and client Jim Grove. Walk area where arrest took place. Final pretrial strategy meeting with Attorney Boyle. Review new motions in limine filed by defendants to exclude videotapes.	8.70	8.70	8.70	2.96
RLW	12/12/2005	File reply brief	0.10	0.10	0.10	
RLW	12/12/2005	Discuss reply brief	0.20	0.20	0.20	
RLW	12/12/2005	Review brief in opposition to motion to strike and email Len and Dennis about how we may want to respond	0.30	0.30	0.30	0
RLW	12/12/2005	Reply brief regarding motion to strike	0.50	0.50	0.50	0
Trial Preparation			222.50	221.00	215.10	
PRR	12/13/2005	Attendance at trial	7.50	7.50	7.50	0
DEB	12/13/2005	Attend jury selection; beginning of trial; witness interviews; Preparation for next day of trial.	8.40	8.40	7.10	0
LGB	12/13/2005	Travel to Harrisburg for Trial.	1.50	1.50	1.50	0
LGB	12/13/2005	Prepare cross examination for Wednesday of trial.	2.10	2.10	2.10	0
LGB	12/13/2005	Appear in court for trial.	6.50	6.50	6.50	0
PRR	12/14/2005	Attend trial	7.50	7.50	7.50	0
DEB	12/14/2005	Attend trial; continue Preparation.	8.20	8.20	8.20	0
LGB	12/14/2005	Travel to Harrisburg for trial.	1.50	1.50	1.50	0

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LGB	12/14/2005	Prepare for next day questioning of witnesses.	1.60	1.60	1.60	.54
LGB	12/14/2005	Appear in court for trial.	7.40	7.40	7.40	0
PRR	12/15/2005	Attend trial	7.50	7.50	7.50	2.5
DEB	12/15/2005	Conclude trial.	6.10	6.10	6.10	2.5
LGB	12/15/2005	Travel to Harrisburg for trial.	1.50	1.50	1.50	
LGB	12/15/2005	Appear in court for trial.	5.90	5.90	5.90	2.5
Trial			72.90	72.90	71.90	
LGB	12/19/2005	Review issues that need follow up for fees and injunctive relief.	0.20	0.00	0.00	
LGB	12/19/2005	Begin work on Attorneys' Fees and costs report and motion. Contact Attorney Jim West for affidavit of reasonableness.	0.60	0.60	0.60	
LGB	12/22/2005	Prepare fee extension motion. Emails to Attorney Lavery and call to Attorney Young.	0.40	0.40	0.40	
LGB	1/27/2006	Begin work on post-trial brief, review of trial transcripts for testimony regarding buffer zones and areas between North Gate and South Gate.	2.10	2.10	2.10	
LGB	1/31/2006	Begin proof reading draft to cut down words and determine whether to incorporate additional testimony.	0.60	0.60	0.60	
LGB	1/31/2006	Work on post trial brief draft and complete first draft by incorporating various portions of the transcript after conducting a review of the transcript from the trial.	3.40	3.40	3.40	
LGB	2/1/2006	Prepare draft of findings of fact and conclusions of law to submit as proposal to the court.	1.10	1.10	1.10	
LGB	2/1/2006	Continue review of draft; email to Attorney Boyle; revisions to draft consisting of additional legal research and incorporation of more of the transcript testimony.	3.90	3.90	3.90	
LGB	2/3/2006	Review of 2002 transcript for incorporation of mistake section.	0.30	0.30	0.30	

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LGB	2/6/2006	Finalize memo and incorporate quotes from transcripts while determining how to reorganize brief to reduce number of words.	0.70	0.70	0.70
LGB	2/7/2006	Revise brief and file motion for page increase.	0.90	0.90	0.90
LGB	2/8/2006	File motion for extension of time.	0.40	0.40	0.40
LGB	2/9/2006	Modify brief since have no order from court on page limits and finalize findings of fact and conclusions of law.	0.90	0.90	0.90
LGB	3/14/2006	Read and analyze defendants response to our post trial memo. Begin drafting reply and finalize reply memo.	4.80	4.80	4.80
RLW	3/14/2006	Review brief	0.30	0.30	0.30
LGB	5/8/2006	Read court's order in case.	0.10	0.10	0.10
Post Trial Activity			20.70	20.50	20.50

COSTS			<u>Reduced Costs</u>
5/20/2004	U.S. District Court - filing fee	\$ 150.00	
6/14/2005	Johnson Investigation - service fees	\$ 144.70	\$ 49.20
6/27/2005	Kirk Baney - Witness Fee	\$ 4.05	0
6/27/2005	Glenn Wagner - Witness Fee	\$ 10.12	0
6/27/2005	Rosemary Morocco - Witness Fee	\$ 14.17	0
6/28/2005	Don Anklam - Witness Fee	\$ 8.10	0
6/28/2005	Copying cost	\$ 0.10	
6/29/2005	Postage	\$ 0.37	
8/1/2005	Copies	\$ 36.91	
8/7/2005	Filius & McLucas Reporting Service - depo transcript	\$ 1,206.06	410.06
8/12/2005	Mileage - depositions	\$ 137.90	46.89
8/12/2005	Dave Lau (deposition witness fee)	\$ 41.62	0
8/12/2005	Eva O'Deim (deposition witness fee)	\$ 42.84	0
8/12/2005	Darrin Bates (deposition witness fee)	\$ 41.62	0
8/12/2005	Wesley Wideman (deposition witness fee)	\$ 41.22	0
8/12/2005	Bob Kegeris (deposition witness fee)	\$ 42.84	0

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	8/12/2005	Kelly English (deposition witness fee)	\$ 41.62			0
	8/29/2005	Leary Reporting - deposition transcripts	\$ 477.60			\$ 162.38
	8/29/2005	Dennis Boyle (paralegal, Reed)	\$ 140.00			47.60
	8/29/2005	Copying cost (transcripts)	\$ 9.20			
	9/2/2005	Copying cost (218 @ \$.10)	\$ 21.80			
	9/8/2005	Johnson Investigation - service of deposition subpoenas	\$ 1,065.60			362.30
	9/12/2005	Copies	\$ 21.80			
	9/12/2005	Deposition mileage	\$ 108.15			36.77
	9/14/2005	Leary Reporting - deposition transcripts	\$ 714.95			599.48
	9/14/2005	Dennis Boyle (paralegal, Reed)	\$ 210.00			71.40
	9/23/2005	Leary Reporting - depositions transcripts	\$ 180.55			61.39
	9/23/2005	Filius & McLucas Reporting Service - depo transcripts	\$ 508.77			172.98
	10/13/2005	Westlaw database research flat fee.	\$ 25.00			
	10/13/2005	Westlaw database research flat fee.	\$ 25.00			
	10/14/2005	Westlaw database research flat fee.	\$ 25.00			
	10/14/2005	Copies	\$ 9.20			
	10/14/2005	Westlaw database research flat fee.	\$ 25.00			
	10/18/2005	Westlaw database search flat fee.	\$ 25.00			
	10/18/2005	Westlaw database research flat fee.	\$ 25.00			
	10/19/2005	Filius & McLucas Reporting Service - depo transcripts	\$ 230.12			78.24
	10/24/2005	Tina Manoogian-King (trial witness fee)	\$ 40.00			
	10/24/2005	Glenn Wagner (trial witness fee)	\$ 44.43			0
	10/24/2005	Thomas Carter (trial witness fee)	\$ 40.55			
	10/24/2005	Stephanie Barrelet (trial witness fee)	\$ 40.55			
	10/24/2005	Kirk Baney (trial witness fee)	\$ 41.15			0
	10/24/2005	Yvonne Wilson (trial witness fee)	\$ 56.19			0
	10/24/2005	Randy King (trial witness fee)	\$ 40.00			0
	10/31/2005	Geigler & Loria Reporting Service	\$ 65.00			
	10/31/2005	Copying cost	\$ 2.10			
	11/2/2005	Westlaw research fee.	\$ 25.00			
	11/2/2005	Westlaw database research flat fee.	\$ 25.00			
	11/4/2005	Westlaw research fee.	\$ 25.00			
	11/4/2005	Westlaw database research flat fee.	\$ 25.00			
	11/9/2005	Postage	\$ 0.37			
	11/11/2005	Johnson Investigations	\$ 279.00			94.86

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	11/22/2005	Westlaw research flat fee.	\$ 25.00			
	11/22/2005	Westlaw database research flat fee.	\$ 25.00			
	11/23/2005	Westlaw Research flat fee.	\$ 25.00			
	11/23/2005	Westlaw database research flat fee.	\$ 25.00			
	11/29/2005	Harper - Video reproduction and cost	\$ 600.00			\$ 204.00
	11/29/2005	Copies	\$ 2.10			
	11/30/2005	Parking Fee	\$ 3.00			
	11/30/2005	Copying cost	\$ 20.20			
	12/1/2005	Research flat fee for Westlaw.	\$ 25.00			
	12/1/2005	Westlaw database research flat fee.	\$ 25.00			
	12/6/2005	Parking Fee	\$ 5.00			
	12/7/2005	Postage	\$ 0.60			
	12/9/2005	Johnson Investigations - service of trial subpoenas	\$ 719.25			244.55
	12/9/2005	Witness Fee - Mark Diener	\$ 128.00			0
	12/9/2005	Witness Fee - Greg Davis	\$ 754.20			0
	12/9/2005	Witness Fee - Michael Marcavage	\$ 140.80			0
	12/9/2005	Witness Fee - Dennis Krone	\$ 64.00			0
	12/9/2005	Witness Fee - Ron Harper, Jr.	\$ 64.00			0
	12/13/2005	Parking Fee (Trial)	\$ 14.00			0
	12/14/2005	Parking Fee (Trial)	\$ 14.00			0
	12/14/2005	Fax charges	\$ 1.20			
	12/15/2005	Parking Fee (Trial)	\$ 14.00			
		Johnson Investigations - service of new trial				
	12/16/2005	date subpoenas	\$ 169.50			57.63
	12/16/2005	Wesley Armstrong - Service fees	\$ 105.06			35.72
	12/18/2005	Mileage for trial	\$ 185.40			
	12/30/2005	Johnson Investigation - Service Subpoena Fees	\$ 142.40			48.42
	12/31/2005	Copying cost	\$ 98.40			
	12/31/2005	Color photocopies	\$ 20.00			
	1/11/2006	Lori A. Shuey - Transcript	\$ 518.85			176.41
	1/13/2006	Wendy C. Yinger - Transcript	\$ 119.77			40.72
	3/8/2006	Leary Reporting - Transcript	\$ 371.00			126.14
		1018 Copies	\$ 101.80			34.61
Total Costs =			\$ 11,087.85			

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